Chairman,

The EU and its 28 Member States recognise the importance of the work carried out by the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC). We also acknowledge the recommendation of the Committee to the General Assembly that the work of the Committee could continue during the 2018-2019 biennium, provided the General Assembly can agree to a mandate.

We note that in all three topics of genetic resources, traditional knowledge and traditional cultural expressions, some limited progress has been achieved in the course of the current biennium. However, substantive differences in participants' positions regarding core issues remain. These differences continue to be reflected in gaps that lengthy and intensive discussions have not been able to considerably narrow.

The 2015-2017 biennium clearly showed that despite some advancement, progress in
the IGC is difficult to achieve without first reaching an agreement on the core issues, several of which are cross-cutting between the three topics and cause them to be interlinked. In order to achieve progress on the text of specific instruments, the Committee first needs to reach a common understanding of its objectives and define the central concepts such as what is the subject matter under discussion, who should be the beneficiaries and what is understood by protection/safeguarding. Unless these key issues are resolved, it is not possible to even consider appropriate sanctions and exceptions, or have meaningful text-based negotiations. It is our view that reaching a common ground on these core issues should be the aim and desired result of the work of the IGC during the next biennium. It follows from the above that the EU and its Member States do not support prioritisation of any single instrument. As the topics are interlinked and there are several cross-cutting issues, progress can only be made on all three in parallel. In particular, the Committee should work on the issues of its objectives, definitions and subject matter across all three topics, having regard to the relevant interactions as well as the wider context.

The EU and its Member States remain committed to achieving an efficient and reasonable work programme for the IGC. At the outset, we do not support establishing any intersessional working groups outside the IGC, as this would harm transparency of negotiations and unduly limit the possibilities of WIPO Members to participate in the discussions. Furthermore, we are of the opinion that any stock-taking and decisions on further actions should be done at the end of the mandate period, i.e. by the 2019 General Assembly, as this is the established practice of the IGC.

As to the working methods, the EU and its Member States continue to stress the importance of evidence-based discussions and reliance on national experiences in the IGC. We support the conduct of seminars, colloquiums and expert panel discussions to inform our discussions, but only if they form an integral part of the IGC sessions. We also support the updating of existing studies and call for the conduct of new studies on the important areas which have remained uncovered. In particular, the interaction of possible instruments on GRs, TK and TCEs with existing international and national instruments needs further scrutiny. The EU itself has submitted two proposals related to studies during the 32nd and 33rd sessions of the IGC. We reiterate our interest in the Proposal for the Terms of Reference for a Study related to TK (document WIPO/GRTKF/IC/32/9) and the Proposal for a Study related to TCEs (document WIPO/GRTKF/IC/33/6) which remain on the table.

We look forward to participating actively in the discussions on a possible new mandate and work programme for the IGC. To facilitate a successful outcome the EU and its Member States have tabled a proposal for a new IGC mandate for the 2018/2019 biennium. It is a comprehensive and coherent proposal that has a real potential to achieve consensus and therefore should provide the framework for our negotiations.

The topics of GRs, TK and TCEs are interlinked in nature. Therefore, progress should take place equally across all subjects if we are to achieve the objectives of the IGC. To
reflect this our proposal is based on a holistic approach that takes into account the common themes to GRs, TK and TCEs, as well as their relationship with existing international and national legal regimes and instruments. We are proposing a comprehensive solution encompassing all three topics without prioritisation and open to variable outcomes.

The EU and its Member States firmly believe that the IGC cannot hold meaningful discussions unless the fundamental principles underlying its work have been agreed on. Therefore, for the next biennium we propose a working method consisting of two stages. First, we should aim at reaching a common understanding on our objectives and the core issues pertinent to all three topics. Then, we could progress with text-based negotiations on the basis of mutually accepted base lines to reach shared objectives. This is a coherent approach which in our view would give the best chance for the IGC to succeed.

We should strive to reach agreement on the subject matter under discussion, who are the beneficiaries, if and to what extent are current IP regimes insufficient to ensure the necessary protection, and what should be the nature of the measures taken to fill any possible gaps. These discussions should be driven by an evidence-based approach.

Once agreement has been reached on the core objectives and definitions, we must recognise the different nature of the three issues and tailor the work of the Committee accordingly:

i. On GRs, we propose that the Committee will continue to work on the basis of the Consolidated Document Relating to Intellectual Property and Genetic Resources (WIPO/GRTKF/IC/34/4), having in mind the 2005 EU proposal for a formality disclosure requirement (WIPO/GRTKF/IC/8/11);

ii. On TK and TCEs, the Committee will further explore the currently available protection regimes, including existing intellectual property instruments, as well as other relevant national and international instruments, with the aim of identifying possible gaps in the protection available for TK and TCEs and the possibilities of filling those gaps by amending or improving the existing protection regimes.

The EU and its Member States look forward to discussions on our proposal. We welcome constructive comments and suggestions on how to further refine it if necessary. We feel that the proposal takes into account the positions of many groups and hope that it will prove to be an optimal basis for our negotiations which could lead to a consensual outcome.

Thank you.